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IN THE
COURT OF APPEALS OF INDIANA

LEROY MCCLAIN,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 45A03-0703-CR-128
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE LAKE SUPERIOR COURT
The Honorable Thomas P. Stefaniak, Jr., Judge
Cause No. 45G04-0607-FC-88

October 30, 2007

MEMORANDUM DECISION - NOT FOR PUBLICATION

VAIDIK, Judge

Case Summary

Leroy McClain ("McClain") appeals his convictions for residential entry and battery. Specifically, he contends that the trial court abused its discretion in determining that he was competent to stand trial. Because the evidence shows that McClain understood the nature of the proceedings and was able to assist in the preparation of his defense, we affirm the trial court.

Facts and Procedural History

In the early morning hours of July 9, 2006, Jennifer Baldauf ("Baldauf") was breastfeeding her infant daughter in her Gary, Indiana, home when her former boyfriend, McClain, appeared at her bedroom window. When Baldauf told McClain not to come in, McClain removed the window screen and pushed a box fan onto the floor. Baldauf tried calling 911 from her bedroom phone, but it did not work. In the meantime, McClain grabbed Baldauf's hair and began choking her through the open window. Baldauf freed herself from McClain and ran into the living room to use another phone. As Baldauf called 911, McClain entered Baldauf's house through the living room window. McClain choked Baldauf, threw a lamp on the floor, swung a golf club at her, pushed her down, and kicked her back and legs. When McClain stopped kicking Baldauf, she ran to a neighbor's house for help. When Baldauf and the neighbor returned, McClain was gone. Shortly thereafter, the police arrived and took a report.

On July 26, 2006, the State charged McClain with Stalking as a Class C felony, Criminal Confinement as a Class D felony, Residential Entry, a Class D felony,

Intimidation as a D felony, and Battery as a Class A misdemeanor.[1] At his initial appearance on August 29, 2006, McClain admitted choking Baldauf. He stated, in pertinent part: "All I did is fu**in' choke her a**." State's Ex. 3A; Tr. p. 219.

On October 5, 2006, defense counsel filed a Motion for Insufficient Comprehension. The trial court appointed "Dr. Bhawani Prasad and Dr. Douglas Caruana to examine the defendant as to his competency to stand trial and to submit a report to the Court . . . ." Appellant's App. p. 22. The court also scheduled a competency hearing.

Dr. Caruana, a clinical psychologist, submitted his report to the court on November 14, 2006. Dr. Prasad, a psychiatrist, submitted his report to the court on January 3, 2007. Both Dr. Caruana and Dr. Prasad concluded in their reports that McClain was competent to stand trial. The trial court conducted a competency hearing on January 4, 2007, and likewise found McClain competent.

Jury trial commenced January 8, 2007, following which the jury found McClain guilty of residential entry, a Class D felony,[2] and battery as a Class A misdemeanor[3] but not guilty of the remaining counts. The trial court sentenced him to an aggregate term of four years. McClain now appeals.

Discussion and Decision

[1] The State amended the charging information on two separate occasions, the first time to add McClain's alias last name of Ratliff and the second time to change the date of the alleged offense.

[2] Ind. Code § 35-43-2-1.5.

[3] Ind. Code § 35-42-2-1(a)(1)(A).

McClain raises one issue on appeal. Specifically, he contends that the trial court erred in determining that he was competent to stand trial. A trial court's determination of competency is reviewed for an abuse of discretion. *Brewer v. State*, 646 N.E.2d 1382, 1385 (Ind. 1995). "To be competent at trial, a defendant must be able to understand the nature of the proceedings and be able to assist in the preparation of his defense." *Timberlake v. State*, 753 N.E.2d 591, 598 (Ind. 2001) (citing Ind. Code § 35-36-3-1), *reh'g denied*; *see also Brewer*, 646 N.E.2d at 1384 ("The standard for deciding such competency is whether or not the defendant currently possesses the ability to consult rationally with counsel and factually comprehend the proceedings against him or her."). When the evidence of competency is in conflict, an appellate court will normally reverse the trial court's decision only "if it was clearly erroneous, unsupported by the facts and circumstances before the court and the reasonable conclusions that can be drawn therefrom." *Brewer*, 646 N.E.2d at 1385.

Here, the trial court was presented with two competency evaluations, one from a clinical psychologist and the other from a psychiatrist. According to Dr. Caruana's report:

> Mr. McClain was alert, oriented, and responsive to his immediate environment. Speech was clear and mildly pressured. He described the legal charges, proceedings, and legal terms in simple accurate terms. He denies having any significant psychological conditions or history beyond anger management problems. Short term and remote memory were reasonably intact.
>
> Mr. McClain presents as annoyed, loud and over-reactive at times. He did respond to redirection. He admitted that he needed to control his reactions better in court. Hallucinations and delusions were denied and not in evidence.

> Data generated in this evaluation indicate that Mr. McClain does currently possess sufficient comprehension to stand trial. He may require redirection and patience in managing his emotions.

Appellant's App. p. 29 (formatting altered). Dr. Prasad's report provides, in pertinent part:

> He was mildly hostile. . . . He was cooperative and did answer all questions, but did so mostly in a yes-no fashion without giving any elaborations. . . . He knew the charges against him. He said, "They said I stalked her. I did not stalk her."
>
> * * * * *
>
> FORMAL LEGAL KNOWLEDGE: I asked him to tell me what happens in a court of law. He mentioned the officials of the court correctly. I asked him to tell what they do and he said "The judge makes a ruling, whether someone is guilty or not, the State's attorney[']s job is to prosecute you, the public defender is supposed to defend me but my PD is more like a prosecutor.
> MENTAL STATUS: He was oriented to all three spheres. During the interview he did not show any features of depression, anxiety, or psychosis. He understood my questions correctly and answered them appropriately. As noted above, he did not give detailed answers to any of my questions.
> MY OPINION: He is competent to take part in his trial.

Id. at 30-31 (formatting altered). In sum, both evaluators found that McClain had a basic understanding of legal terms, proceedings, and the charges against him and concluded that McClain was competent at the time of trial.

At the January 4, 2007, competency hearing, McClain testified he understood what happens at trial, that the State has the burden of proving him guilty, and that he has the right to assist defense counsel during trial. McClain also testified that he strongly disagrees with defense counsel over trial strategy and that he knows if he acts out during trial, it will affect his chances of winning. The trial court concluded:

> Well, Mr. [McClain], it sounds to me like you understand the proceedings. It sounds to me that you're able to assist your attorney, if you so choose.

> And that based on the doctor's reports, you are competent to stand trial and that's the finding I'm going to make today.

Tr. p. 12.

On appeal, McClain argues that he was not competent to stand trial because the trial court asked him leading questions during the competency hearing, the evaluators' reports are summary in nature, he admitted during a pre-trial proceeding that he choked Baldauf, and he stated during the competency hearing that he thought Baldauf was "tr[ying] to put a rape case on [him]." *Id.* at 7. McClain's ability to control his anger and disagreements with defense counsel over trial strategy do not affect the fact that the evidence before the trial court—which included reports from a clinical psychologist and a psychiatrist—overwhelmingly shows that McClain understood the nature of the proceedings and was able to assist in the preparation of his defense. The trial court's decision was not clearly erroneous and, therefore, the court did not abuse its discretion in determining that McClain was competent to stand trial.

Affirmed.

BAKER, C.J., and BAILEY, J., concur.